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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,136	10/23/2003	Robert White	00216-645002	9171
26161	7590	10/11/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			HAMILTON, ISAAC N	
			ART UNIT	PAPER NUMBER
			3724	
DATE MAILED: 10/11/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,136

Applicant(s)

WHITE ET AL.

Examiner

Isaac N. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-24 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-24 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 17, 18, 20-22, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trotta (5,018,274) in view of Erdmann et al (DE3526951A1), hereafter Erdmann. Trotta discloses the end product of a cutting element 14 for a safety razor blade unit in figures 1-4 and a method of making it in column 3, lines 36-42. Note in Trotta wafer P; surface/surface plane 24; acute/sharp cutting edge 30; guard element 21; intermediate transverse element juxtaposed surface 21 and element 18 in figure 4; interconnecting elements juxtaposed surfaces 22, 23 and elements 18 in figure 3; plurality of planar cutting elements 30 shown in figures 3 and 4; three planar cutting elements shown in figures 3 and 4; silicon in column 2, line 16. Trotta does not disclose a method of making which uses an etching process. However, Erdmann teaches a method of making a cutting element 9, 12 from a wafer of single crystal material with an etching process as shown in figure 1a. It would have been obvious to provide an etching process for making a cutting element from a wafer of single crystal material in Trotta as taught by Erdmann in order to reduce the number of mechanical steps in the process. Note in Erdmann anisotropic wet chemical etching and wet etching are shown in figure 1a) by the KOH.

3. Claims 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Trotta and Erdmann as applied to claims 17, 18, 20-22, 24 and 26 above, and

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further in view of applicant's admitted prior art (APA). In the applicant's specification on pages 3-4, lines 30-23, respectively, the applicant admits that dry etching and isotropic etching are well known. It would have been obvious to use dry etching in the combination as taught by APA in order to remove the layers of silicon at a more uniform rate. It would have been obvious to use isotropic etching in the combination as taught by APA in order to etch the silicon wafer faster.

4. Claims 17-24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trotta (5,018,274) in view of Marcus et al (5,842,387), hereafter Marcus. Trotta discloses the end product of a cutting element 14 for a safety razor blade unit in figures 1-4 and a method of making it in column 3, lines 36-42. Note in Trotta wafer P; surface/surface plane 24; acute/sharp cutting edge 30; guard element 21; intermediate transverse element juxtaposed surface 21 and element 18 in figure 4; interconnecting elements juxtaposed surfaces 22, 23 and elements 18 in figure 3; plurality of planar cutting elements 30 shown in figures 3 and 4; three planar cutting elements shown in figures 3 and 4; silicon in column 2, line 16. Trotta does not disclose a method of making which uses an etching process. However, Marcus teaches a method of making a cutting element as shown in figure 33 from a wafer of single crystal material with an etching process as described in column 3, lines 54-65. It would have been obvious to provide an etching process for making a cutting element from a wafer of single crystal material in Marcus as taught by Erdmann in order to achieve an exceptionally sharp edge. Note in Marcus, anisotropic wet chemical etching and wet etching in column 4, lines 13-32; dry etching in column 4, line 38; isotropic etching in column 4, lines 37-38.

Response to Declaration of Uwe Sievers

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5. In the declaration of Uwe Sievers, the comparison between Erdmann and a pair of scissors is explained. Since the etched "foil" in Erdmann is designed to be used with an underlying shearing knife, Uwe Sievers asserts that using such a foil on a wet shaving razor blade, such as Trotta's, would not cut hair from a user's skin. However, it is believed that the combination would allow a user to shave because if a user replaced his wet shaving razor blade with one blade from the blades of a scissors, then it would cut hair from the user's face. Although Uwe Sievers asserts that some scissors are blunt, there are also scissors which are quite sharp. Moreover, wet shaving razor blades do depend on some amount of shearing due to the resistance of the hair being rooted into the skin. The root of the hair provides an opposite force to the wet shaving razor blade as it glides over the skin. If the root of the hair and the skin did not provide some amount of opposite or "shearing" force to the hair, the hair would simply be pushed along and never cut.

Response to Arguments

6. Applicant's arguments filed 06/02/06 have been fully considered but they are not persuasive. Applicant asserts that Trotta does not provide a wafer of a single crystal material having a surface lying in a predetermined plane of the crystallographic structure. It is believed that Trotta does not have this element, however, the rejection states that Erdmann teaches a wafer of a single crystal material having a surface lying in a predetermined plane of the crystallographic structure in column 2, line 16, and in column 3, line 19. Applicant asserts that the blades in the references and the blades in the instant application are different due to use with different technology, however, it is believed that all of the references use similar technology due to the common purpose of hair removal with a sharp edge. Applicant asserts that the anisotropic

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etching process of Erdmann cannot produce cutting edges at the surface plane of Trotta. It is believed that the process in Erdmann can be used to create a surface plane with cutting edges at the surface plane in Trotta because the wafer in Trotta can uniformly be etched away in order to create a planar wafer similar to the section on the right of figure 1c) in Erdmann.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



IH

September 28, 2006



KENNETH E. PETERSON
PRIMARY EXAMINER